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MAILED
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OFFICE OF PETITIONS

In re Application of :
Terry Keith BRYANT : DECISION DISMISSING PETITION
Application No. 10/767,396 : UNDER 37 CFR 1.102(c)(1)
Filed: January 23, 2004 :
Atty. Docket No.: 1023.8009 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 23, 2004, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **DISMISSED**.

Applicant is given TWO MONTHS from the mailing date of the decision to reply correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition under 37 CFR 1.102(c)(1)".

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

Whereas the instant petition does include a letter from a physician, Bruce H. Berman, supporting medical problems of the inventor, the doctor's note fails to assert that the inventor will not be able to assist if prosecution of the application were to run its normal course.

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14).

Further correspondence with respect to this matter should be addressed as follows:

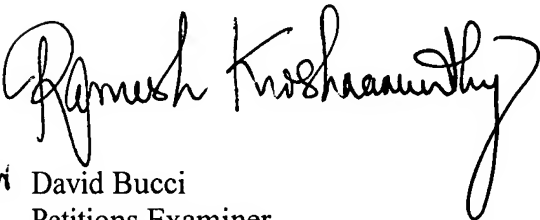
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General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center AU 3769 for continuing action on the pending application.


for David Bucci
Petitions Examiner
Office of Petitions